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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,622	09/26/2003	Yoshiki Fujimura	0001494/2215USU	8062

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EXAMINER
HICKS, MICHAEL J

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,622	FUJIMURA, YOSHIKI	
	Examiner	Art Unit	
	Michael J. Hicks	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *1-7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/26/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claim 1-7 pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 rejected under 35 U.S.C. 102(e) as being anticipated by Beyda et al

(U.S. Pre Grant Publication Number 2002/0082914 and referred to hereinafter as Beyda).

As per Claims 1 and 7, Beyda discloses a home page automatic update system and method comprising: a home page management unit reading out an HTML document from a home page database in response to a request from a user terminal, and transmitting the readout HTML document to the user terminal (i.e. *"In operation, an internet User requests content from the content provider. Before the content provider can return the content (i.e. an HTML document) advertisement information must be requested from the third party advertisement server. The third party advertisement server receives the request, identifies the requesting server and/or user, queries its databases and selects an appropriate advertisement. The third party advertisement server then responds to the content provider with the URL of the advertisement information*

(e.g., banner ad). The content provider modifies or rewrites its HTML code to reference the advertisement served by the third party advertisement server. The modified HTML code is served to the user with the properly identified advertisement information." The preceding text excerpt clearly indicates that a user terminal requests an HTML document (e.g. a banner ad) and in response a homepage management unit (e.g. a local content provider) sends a request to an advertisement server, which retrieves an advertisement (e.g. the HTML document) and subsequently transfers it to the user terminal through the local content provider.) (Page 1, Paragraph 0009); a patrol search unit extracting update data by executing in turn a reception process of a mail message stored in a mail server (i.e. *"The directory can exist on any machine on the internet and may be transmitted or served via one of many different protocols (e.g. HTTP, FTP, GOPHER, NEWS, NNTP, MAILTO, and the like)."* The preceding text excerpt clearly indicates that a patrol search unit may extract update data that was received via a MAILTO protocol (e.g. a mail message in a mail server).) (Page 1, Paragraph 002), an extraction process of update data of an HTML document stored in the home page database (i.e. *"The third party advertisement server receives the request, identifies the requesting server and/or user, queries its databases and selects an appropriate advertisement."* The preceding text excerpt clearly indicates that update data, in the form of an HTML document (e.g. banner advertisement as above) stored in the third party advertisement server (e.g. home page database) is extracted.) (Page 1, Paragraph 0009), a file search process in a management terminal, and a search process of schedule data in a storage device on the basis of a priority order (i.e. *"In another aspect of the invention, the ad delivery engine is operable to select an advertisement from the local ad campaign data based on at least one of a user data, content data, date, time, host name, available campaigns, targeting data and scheduling data."* The preceding text excerpt clearly indicates that the advertisement may be chosen based on content data, targeting data and scheduling data, in other words based on schedule data and priority order.) (Page 2, Paragraph 0023); and an update data generation unit generating update HTML data on the basis of the extracted update data, wherein the

home page management unit transmits an HTML document which contains the update HTML data generated by the update data generation unit to the user terminal (i.e. *"The third party advertisement server then responds to the content provider with the URL of the advertisement information (e.g., banner ad). The content provider modifies or rewrites its HTML code to reference the advertisement served by the third party advertisement server. The modified HTML code is served to the user with the properly identified advertisement information."* The preceding text excerpt clearly indicates that updated HTML is generated to reflect the inclusion of the new banner ad by an update generation unit, and the updated HTML is then transferred to the user terminal (e.g. user) by the local server (e.g. homepage management unit).) (Page 1, Paragraph 0009).

As per Claim 2, Beyda discloses the update HTML data contains banner advertisement data (i.e. *"A central ad planning server having a database operable to store central ad campaign data, the central ad planning server periodically transmits at least a portion of the database to the content provider server to update the local ad campaign data."* The preceding text excerpt clearly indicates that the HTML update is as campaign/banner advertisement data.) (Abstract).

As per Claim 3, Beyda discloses the reception process of a mail message includes a process for sending a mail transmission request to the mail server (i.e. *"The directory can exist on any machine on the internet and may be transmitted or served via one of many different protocols (e.g. HTTP, FTP, GOPHER, NEWS, NNTP, MAILTO, and the like)."* The preceding text excerpt clearly indicates that a patrol search unit may extract update data that was received via a MAILTO protocol (e.g. a mail message in a mail server). Transmitting via a MAILTO protocol includes the operation of sending a mail transmission request to a mail server.) (Page 1, Paragraph 002), and a reception process of a mail message from the mail server (i.e. *"The directory can exist on any*

machine on the internet and may be transmitted or served via one of many different protocols (e.g. HTTP, FTP, GOPHER, NEWS, NNTP, MAILTO, and the like). "The preceding text excerpt clearly indicates that a patrol search unit may extract update data that was received via a MAILTO protocol (e.g. a mail message in a mail server). Receiving via a MAILTO protocol includes the operation of a reception process of a mail message from a mail server.) (Page 1, Paragraph 002).

As per Claim 4, Beyda discloses the extraction process of update data of an HTML document stored in the home page database includes a process for reading out a latest first HTML document and a second HTML document having an update time a predetermined period of time before the current time from the home page database (i.e. *"In another aspect of the invention, the ad delivery engine is operable to select an advertisement from the local ad campaign data based on at least one of a user data, content data, date, time, host name, available campaigns, targeting data and scheduling data...the campaign data file can be transferred to the ad delivery engine on a scheduled basis (e.g. once a day)."* The preceding text excerpt clearly indicates that the HTML documents that are extracted are updated on a predetermined cyclic period (e.g. once a day). In this manner, depending on the scheduled time for the advertisements, and the current time, either a latest first HTML document will be read out (e.g. in the case that the update time has not occurred) or second HTML document having an update time a predetermined period of time before the current time is read out (e.g. in the case that the updated has occurred already).) (Page 2, Paragraph 0023; Page 5, Paragraph 0074), and a process for extracting a mismatched data part of the first and second HTML documents (i.e. *"In another aspect of the invention, the ad delivery engine is operable to select an advertisement from the local ad campaign data based on at least one of a user data, content data, date, time, host name, available campaigns, targeting data and scheduling data...the campaign data file can be transferred to the ad delivery engine on a scheduled basis (e.g. once a day)."* The preceding text excerpt clearly indicates that the schedule data contain mismatched data about the

first and second HTML documents, and further that, because the contents of the first and second HTML documents are different, the data extracted from the selected HTML document (e.g. either first or second, depending on which is read out) will be mismatched (e.g. will differ from) the corresponding data part in the other HTML document.) (Page 2, Paragraph 0023; Page 5, Paragraph 0074)

As per Claim 5, Beyda discloses the file search process in the management terminal includes a process for sending a file search request to the management terminal database (i.e. *"The third party advertisement server receives the request, identifies the requesting server and/or user, queries its databases and selects an appropriate advertisement. "* The preceding text excerpt clearly indicates that update data, in the form of an HTML document (e.g. banner advertisement as above) stored in the third party advertisement server (e.g. management terminal database) is extracted after a search request is received and processed by the database/server.) (Page 1, Paragraph 0009), and a reception process of an update file from the management terminal (i.e. *"The third party advertisement server then responds to the content provider with the URL of the advertisement information (e.g., banner ad). The content provider modifies or rewrites its HTML code to reference the advertisement served by the third party advertisement server. The modified HTML code is served to the user with the properly identified advertisement information."* The preceding text excerpt clearly indicates that updated HTML is generated to reflect the inclusion of the new banner ad (e.g. update information), and the updated HTML is then transferred to the user terminal (e.g. user) through the local server (e.g. homepage management terminal).) (Page 1, Paragraph 0009).

As per Claim 6, Beyda discloses the storage device stores schedule data set with a predetermined cyclic period (i.e. *"In another aspect of the invention, the ad delivery engine is operable to select an advertisement from the local ad campaign data based on at least one of a user data, content data, date, time, host name, available campaigns, targeting data and scheduling data...the*

campaign data file can be transferred to the ad delivery engine on a scheduled basis (e.g. once a day)." The preceding text excerpt clearly indicates that the schedule data sets are stored with a predetermined cyclic period (e.g. once a day).) (Page 2, Paragraph 0023; Page 5, Paragraph 0074), and update data associated with the schedule data (i.e. *"In another aspect of the invention, the ad delivery engine is operable to select an advertisement from the local ad campaign data based on at least one of a user data, content data, date, time, host name, available campaigns, targeting data and scheduling data."* The preceding text excerpt clearly indicates that the advertisement data (e.g. the update data) is associated with schedule data.) (Page 2, Paragraph 0023), and the search process of schedule data in the storage device includes a search process of update data associated with a schedule corresponding to the current time (i.e. *"In another aspect of the invention, the ad delivery engine is operable to select an advertisement from the local ad campaign data based on at least one of a user data, content data, date, time, host name, available campaigns, targeting data and scheduling data."* The preceding text excerpt clearly indicates that the advertisement may be chosen by the searching process based on date, time, and scheduling data, in other words based on schedule data versus the current date and time.) (Page 2, Paragraph 0023).

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Friday 8:30a - 5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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